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LOK SABHA

The following Bills were introduced in the Lok Sabha on the 23rd March, 1956:—

BILL No. 17 OF 1956

A Bill further to amend the Child Marriage Restraint Act, 1929.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Marriage Restraint (Amendment) Act, 19 . Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

XIX of 1929. 2. In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for the word "fifteen" the word "sixteen" shall be substituted. Amendment of Section 2.

3. After section 12 of the principal Act, the following new sections shall be added, namely:— Addition of new sections 13 and 14.
"13. All offences under this Act shall be cognizable. Offences under the Act to be cognizable.

14. Notwithstanding anything to the contrary contained in any law, custom or usage, a child marriage shall be voidable at the option of the female before her attaining twenty-one years of age and shall be annulled by a decree of nullity by a District Court or a City Civil Court." Child marriage to be voidable at the option of the female.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Child Marriage Restraint Act, 1929, for the following purposes:—

- (1) To make the Child Marriage Restraint Act effective and to bring it in line with the modern concepts of social justice.
- (2) To protect young girls who are married in many cases against their wishes or interests and to save them from the ordeal by making a child marriage voidable if a female chooses to revoke it.
- (3) To facilitate effective enforcement of the Act by making offences under the Act cognizable.

NEW DELHI;

FULSINHJI B. DABHI.

The 15th February, 1956.

LOK SABHA

The following Bills were introduced in the Lok Sabha on the 23rd March, 1956:—

BILL No. 24 OF 1956

A Bill further to amend the Indian Penal Code, 1860, and the Code of Criminal Procedure, 1898 to provide for the abolition of capital punishment.

BE it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Criminal Law Amendment Act.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

XLV of
1860.

2. In section 53 of the Indian Penal Code, 1860 (hereinafter referred to as the principal Act) the words "First,—Death" shall be omitted.

Amendment
of section
53, Act XLV
of 1860.

3. Section 54 of the principal Act shall be omitted.

Omission of
section 54,
Act XLV of
1860.

4. In section 55A of the principal Act,—

Amendment
of section
55 A, Act
XLV of 1860

(a) for the words "sections fifty four and fifty five" the words "section fifty five" shall be substituted.

(b) in clause (a) the words "is a sentence of death or" shall be omitted.

(c) in clause (b) the brackets and the words "(whether of death or not)" shall be omitted.

- Amendment of section 94, Act XLV of 1860. 5. In section 94 of the principal Act, the words "punishable with death" shall be omitted.
- Amendment of section 115, Act XLV of 1860. 6. In section 115 of the principal Act, the words "death or" shall be omitted.
- Amendment of section 118, Act XLV of 1860. 7. In section 118 of the principal Act, the words "death or" shall be omitted.
- Amendment of section 119, Act XLV of 1860. 8. In section 119 of the principal Act,—
 (a) the words "death or" shall be omitted; and
 (b) in the marginal heading, for the words "death etc." the words "imprisonment for twenty years" shall be substituted.
- Amendment of section 132, Act XLV of 1860. 9. In section 132 of the principal Act, the words "with death or" shall be omitted.
- Amendment of section 201, Act XLV of 1860. 10. In section 201 of the principal Act, the following shall be omitted, namely:—
 "if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and"
- Amendment of section 212, Act XLV of 1860, if a capital offence. 11. In section 212 of the principal Act, the following shall be omitted, namely:—
 "if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and"
- Amendment of section 213, Act XLV of 1860, if a capital offence. 12. In section 213 of the principal Act, the following shall be omitted, namely:—
 "if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and"
- Amendment of section 214, Act XLV of 1860, if capital offence. 13. In section 214 of the principal Act, the following shall be omitted, namely:—
 "if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and"

14. In section 216 of the principal Act, the following words shall be omitted, namely:—

Amendment
of section
216, Act
XLV of
1860.

“if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;”

if a capital
offence.

15. In section 222 of the principal Act, the following shall be omitted, namely:—

Amendment
of section
222, Act
XLV of
1860.

“with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or”

16. In section 225 of the principal Act, the following shall be omitted, namely:—

Amendment
of section
225, Act
XLV of
1860.

(a) “or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;” and

(b) “or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.”

17. In section 302 of the principal Act, the words “death, or” shall be omitted.

Amendment
of section
302, Act
XLV of
1860.

18. Section 303 of the principal Act shall be omitted.

Omission of
section 303,
Act XLV of
1860.

19. In section 305 of the principal Act, the words “death or” shall be omitted.

Amendm
of section
305, Act
XLV of
1860.

20. In section 307 of the principal Act,—

(a) the following shall be omitted namely:—

Amendment
of section
307, Act
XLV of 1860

“When any person offending under this section is under sentence of transportation for life, he may, if hurt is caused, be punished with death.”

Attempts by
life convicts.

(b) in illustration (c), the words "the first paragraph of" shall be omitted.

21. In section 396 of the principal Act, the words "death, or" shall be omitted.

Amendment of section 396, Act XLV of 1860.

Amendment of section 29B, Act V of 1898.

Amendment of section 31, Act V of 1898.

22. In section 29B of the Code of Criminal Procedure, 1898, the words "death or" shall be omitted. V of 1898

23. In section 31 of the Code of Criminal Procedure, 1898— V of 1898

(a) in sub-section (2), the words "but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court." shall be omitted; and

(b) in sub-section (3), the words "of death or" shall be omitted.

Omission of section 368, Act V of 1898.

24. Section 368 of the Code of Criminal Procedure, 1898, shall be omitted. V of 1898

Amendment of section 371, Act V of 1898.

25. In section 371 of the Code of Criminal Procedure, 1898,— V of 1898

(a) sub-section (3) shall be omitted; and

(b) existing sub-section (4) shall be renumbered as sub-section (3).

Omission of sections 374, 375, 376, 377, 378, 379, 381 and 382, Act V of 1898.

26. Sections 374, 375, 376, 377, 378, 379, 381 and 382 of the Code of Criminal Procedure, 1898 shall be omitted. V of 1898

Amendment of section 383, Act V of 1898.

27. In section 383 of the Code of Criminal Procedure, 1898, the words "in cases other than those provided for by section 381," shall be omitted. V of 1898

Amendment of section 396, Act V of 1898.

28. In sub-section (1) of section 396 of the Code of Criminal Procedure, 1898, the word "death" shall be omitted. V of 1898

Amendment of section 402, Act V of 1898.

29. In sub-section (1) of section 402 of the Code of Criminal Procedure, 1898, the word "death," shall be omitted. V of 1898

Omission of section 402A, Act V of 1898.

30. Section 402A of the Code of Criminal Procedure, 1898 shall be omitted. V of 1898

Amendment of section 418, Act V of 1898.

31. Sub-section (2) of section 418 of the Code of Criminal Procedure, 1898, shall be omitted. V of 1898

- V of 1898 **32.** In sub-section (1) of section 497 of the Code of Criminal Procedure, 1898, the words "death or" shall be omitted.
- V of 1898 **33.** In Schedule II to the Code of Criminal Procedure, 1898,—
- Amendment of section 497 Act V of 1898.
- Amendment of Schedule II, Act V of 1898.
- (1) in the entries relating to section 225, in the 2nd to 8th columns, the third and fifth paragraphs shall be omitted;
- (2) in the entry relating to section 302, in the 7th column, the words "Death, or" shall be omitted;
- (3) all the entries relating to section 303 in the 2nd to 8th columns shall be omitted;
- (4) in the entry relating to section 305, in the seventh column, the words "Death, or" shall be omitted;
- (5) all the entries relating to section 307, in 2nd to 8th columns shall be omitted; and
- (6) in the entry relating to section 396, in the 7th column, the word "Death," shall be omitted.
- 34.** Where a sentence of death passed against an accused before coming into force of this Act has not been executed, the person so condemned shall be deemed to have been sentenced for imprisonment for twenty years.
- Death sentence already passed to be treated as sentence for 20 years' imprisonment.
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STATEMENT OF OBJECTS AND REASONS

The penalty of death which still clings to our penal laws, no longer accords with the needs or true interests of a civilized society. Capital punishment has been abolished in a large number of countries in the world. In no single instance is there evidence of a permanent increase in homicidal crime as a result of abolition, in many there has been a decided decrease. The experience of those countries indicates that the death penalty cannot be a necessary deterrent. The capital penalty inflicts intense suffering upon the innocent relatives of the condemned person.

Parliament recently abolished the punishment of whipping because it was outmoded, barbarous and entirely lacking in reformative value. Abolition of capital punishment can no longer be deferred. It has become the next logical step. Hence the Bill.

MUKUND LAL AGRAWAL.

NEW DELHI;
The 20th February, 1956.

BILL No. 26 OF 1956

A Bill to introduce equal pay for equal work for women workers.

BE it enacted in the Parliament in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Equal Remuneration Act, Short title,
extent and
commence-
ment.
19

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, notify.

2. In this Act,—

Definitions.

(1) "appropriate Government" means—

(a) in relation to any Central undertaking, the Central Government; and

(b) in relation to all other undertakings, the State Government.

(2) "agriculture" means any form of farming including the cultivation and tillage of the soil, dairy farming, the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of livestock, bees or poultry and any practice performed by the farmer or on a farm as incidental to or in conjunction with farming operations, including any forestry or timber operations and the preparation

for market and delivery to storage or to market or carriage for transportation to market of farm produce.

(3) "competent authority" means the authority appointed by the appropriate Government by notification in the Official Gazette.

(4) "employer" means any person who employs, whether directly or through any person, one or more employees in any industry or agriculture.

(5) "industry" means any business, trade, undertaking, manufacture or calling of employers and includes co-operative societies, shops and stores and any calling, service, employment or industrial occupation or avocation of workmen.

(6) "prescribed" means prescribed by rules made under this Act.

(7) "wages" means all remuneration, capable of being expressed in terms of money or kind which would if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of her employment or work done in such employment.

(8) "worker" means a person employed, directly or indirectly, in any industry or agriculture (including an apprentice), for hire or reward, to do any work, skilled or unskilled, manual, clerical or supervisory and includes any worker to whom any articles or materials are given to be manufactured, cleaned, washed, altered, ornamented, finished, repaired or adopted or otherwise processed.

Fixation of wages for women workers.

3. Every woman worker employed in any industrial or agricultural undertaking shall be paid the same rate of wages as male workers belonging to the same category and wage differentials shall be based only on classification of work.

Fixation of wage differentials.

4. In industries or agriculture, where the semi-skilled or skilled workers are mainly women, the appropriate Government shall fix the wage differentials on the basis of skill, experience, efficiency and responsibility.

Procedure for fixation of wages and classification of work.

5. (1) In fixing minimum rates of wages in industries or agriculture where the unskilled workers are mainly women, the appropriate Government shall appoint a Committee or Committees for different localities to fix wages which shall be notified in the Official Gazette.

(2) In fixing wage differentials and effecting classification of work in industries or agricultural undertakings where women are employed, the Government shall appoint an Expert Committee to fix the rates of wages which shall be notified in the Official Gazette.

6. (1) The appropriate Government may appoint the Commissioner for Workmen's Compensation, a Judge of a Civil Court or a Stipendiary Magistrate to be the competent authority to decide on all claims arising out of payment of less wages to women workers for equal work. Appointment of competent authority to decide cases under the Act.

(2) An appeal against any decision of the competent authority appointed under sub-section (1) may be made before a Court of Small Causes or the District Court.

7. Every authority appointed under this Act shall have all the powers of a Civil Court for the purpose of taking evidence and enforcing of attendance of witnesses and compelling the production of documents. Powers of the competent authority.

8. Any employer who does not pay equal wages to women workers for equal work or who discriminates against women workers in the matter of conditions of work or their promotions or who discriminates against married women workers or who discharges them on grounds of marriage shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both. Penalties and procedure.

9. A woman worker who is a party to a dispute under the provisions of this Act may be represented in all proceedings under this Act, by— Representation of Parties.

(a) an officer of any trade union or peasant organisation; or

(b) a member or official of the women's organisation of which she is a member.

10. (1) The appropriate Government may, subject to the condition of previous publication by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Framing of rules for the purposes of the Act.

(2) Rules made under sub-section (1) may—

(a) prescribe the terms of the office of members, the procedure to be followed in the conduct of the business, the method of voting, the manner of filling up of casual vacancies in membership and the quorum necessary for the transaction of the business of the Committees and Expert Committees appointed under section 5;

(b) prescribe the method of summoning of witnesses and production of documents relevant to the subject matter of the enquiry before the Committee and Expert Committee;

(c) prescribe the powers of the inspectors for the purposes of this Act; and

(d) provide for any matter which is to be or may be prescribed.

STATEMENT OF OBJECTS AND REASONS

The justification for statutory fixation of equal pay for women workers for equal work is obvious. Such provision exists in certain advanced countries. The principle is embodied in the Indian Constitution. The Equal Remuneration Convention of 1951 of the I.L.O. recommends the acceptance of equal pay for equal work by the member countries.

It is, therefore, necessary to enact legislation to the effect that in all industries and agriculture the lowest minimum wage for the unskilled workers both men and women shall be the same and that wage differential shall be based only on skill, experience, efficiency and responsibility and not on sex difference.

The Bill seeks to remove the undeserved discrimination against women and to ensure equal wage for them for equal work.

RENU CHAKRAVARTTY.

NEW DELHI:

The 16th February, 1956.

FINANCIAL MEMORANDUM

Under clause 5 of the Bill, the appropriate Governments shall appoint a committee or committees of different localities for fixing wage differentials. The expenditure in respect of the committees appointed by the State Governments will be met by the appropriate State Governments. The expenditure to be incurred by the Central Government in connection with appointment of committees for the Central undertakings, will depend upon the number of committees to be appointed. It is, therefore, not possible at present to estimate the actual expenditure to be incurred, but I do not think the expenditure will be substantial.

Clause 6 of the Bill contemplates appointment of competent authority to decide cases under the Act. Such appointment is not likely to cause any extra expenditure as the persons to be appointed will already be under the employment of the appropriate Government.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10(1) of the Bill authorises the appropriate Government to make rules for carrying out the purposes of the Act. The ancillary matters on which rules may be framed have been enumerated in sub-clause (2) of that clause. The rule-making power is of a normal character.

M. N. KAUL,
Secretary.

